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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/806,618	10/09/2001	Alon Atsmon	100/02143	4568

7590

04/21/2004

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EXAMINER

BAROT, BHARAT

ART UNIT	PAPER NUMBER
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2155

DATE MAILED: 04/21/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/806,618

Applicant(s)

ATSMON ET AL.

Examiner

Bharat N Barot

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 October 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-144 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 1-144 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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DETAILED ACTION

Election/Restriction

1. Claims 1-144 are presented for examination.
2. Restriction to one of the following inventions is required under 35 U.S.C. § 121:
 - I. Claims 1-59 and 87-103 are drawn to a system and method of communicating with an electronic device including an ultrasonic acoustic signal encoded with information, classified in class 340 subclasses 853+, 854+, and 855+; and class 704 subclasses 500+.
 - II. Claims 60-86, 104-106, 126-134, and 138-144 are drawn to a system and method of computer system including speech (sound) signal processing, classified in class 704 subclasses 200+.
 - III. Claims 107-109 and 135-137 are drawn to a system and method of computer network, classified in class 709 subclasses 200+.
 - IV. Claims 110-125 are drawn to a system and method of wireless peripheral for an electronic device, classified in class 455.

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3. Inventions (I and II) are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed because the Invention I does not require the system and method of computer system including speech (sound) signal. The subcombination has separate utility such as a system and method of communicating with an electronic device including an ultrasonic acoustic signal encoded with information.

4. Inventions (III and IV) are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed because the Invention III does not require the system and method of wireless peripheral for an electronic device. The subcombination has separate utility such as a system and method of computer network.

5. Inventions (I, III, and IV) are distinct, each from the other because of the following reasons: The invention recited by the claims 1-59 and 87-103 (Group I) is drawn to a system and method of communicating with an electronic device including an ultrasonic acoustic signal encoded with information. The invention recited by the claims 107-109 and 135-137 (Group III) relates to a system and method of computer network and claims 110-125 (Group IV) relates to a system and method of wireless peripheral for an electronic, which are not related to the system and method of communicating with an electronic device including an ultrasonic acoustic signal encoded with information.

6. Inventions (II, III, and IV) are distinct, each from the other because of the following reasons: The invention recited by the claims 60-86, 104-106, 126-134, and 138-144 (Group II) is drawn to a system and method of computer system including speech (sound) signal processing. The invention recited by the claims 107-109 and 135-137 (Group III) relates to a system and method of computer network and claims 110-125 (Group IV) relates to a system and method of wireless peripheral for an electronic, which are not related to the system and method of communicating with an electronic device including an ultrasonic acoustic signal encoded with information.

7. Because these inventions are distinct, each from the other for the reasons given above and the inventions have acquired a separate status in the art as shown by their different classifications restriction for examination purposes as indicated is proper.

8. Applicant is required under 35 U.S.C. 121 to elect a single group disclosed as described above for prosecution on the merits because each of the groups requires different search in different class and subclasses.

9. Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

10. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventor ship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventor ship must be accompanied by a petition under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(1).

Contact Information

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bharat Barot whose telephone number is (703) 305-4092. The examiner can normally be reached on Monday-Friday from 9:30 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alam, Hosain, can be reached at (703) 308-6662. A central official fax number is (703) 872-9306.

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Any inquiry of general nature or relating to the status of this application should be directed to the group receptionist whose telephone number is (703) 305-3900.

Bharat Barot.

**BHARAT BAROT
PRIMARY EXAMINER**

Patent Examiner Bharat Barot

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April 14, 2004